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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2014-47

13 **ADAM A. HABEL**
14 **3638 Bancroft Drive**
15 **Spring Valley, CA 91977**

DEFAULT DECISION AND ORDER

16 **Field Representative License No. FR 44065**

[Gov. Code, §11520]

17 Respondent.
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20 **FINDINGS OF FACT**

21 1. On or about March 28, 2014, Complainant Susan Saylor, in her official capacity as
22 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
23 Affairs, filed Accusation No. 2014-47 against Adam A. Habel (Respondent) before the Structural
24 Pest Control Board. (Accusation attached as Exhibit A.)

25 2. On or about February 25, 2009, the Structural Pest Control Board (Board) issued
26 Field Representative License No. FR 44065 to Respondent. The Field Representative License
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-47
28 and will expire on June 30, 2014, unless renewed.

3. On or about April 10, 2014, Respondent was served by First Class Mail and Certified Mail copies of the Accusation No. 2014-47, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Board. Respondent's address of record was and is:

3638 Bancroft Drive
Spring Valley, CA 91977.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about April 18, 2014, the aforementioned documents were returned by the U.S. Postal Service marked "Attempted – Not Known."

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2014-47.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 2014-47, finds
2 that the charges and allegations in Accusation No. 2014-47, are separately and severally, found to
3 be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$955 as of May 29, 2014.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Adam A. Habel has subjected his
9 Field Representative License No. FR 44065 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Structural Pest Control Board is authorized to revoke Respondent's Field
12 Representative License based upon the following violations alleged in the Accusation which are
13 supported by the evidence contained in the Default Decision Evidence Packet in this case:

14 a. Violation of Business and Professions Code sections 490 and 8649 in that on
15 October 1, 2013, in a criminal proceeding entitled *The People of the State of California v. Adam*
16 *Alexander Habel*, in the Superior Court of California, County of San Diego, South County
17 Division, in case number CS265756, Respondent was convicted on his plea of guilty of violating
18 Penal Code sections 470(a) (forgery), a felony, and 368(d)(2) (theft from elder adult over \$950), a
19 misdemeanor, which is a crime substantially related to the qualifications, functions and duties of a
20 field representative.

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1 ORDER

2 IT IS SO ORDERED that Field Representative License No. FR 44065, heretofore issued to
3 Respondent Adam A. Habel, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on October 26, 2014.

9 It is so ORDERED September 26, 2014

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14 FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

15 70871801.DOC
16 DOJ Matter ID:SD2014706529

17 Attachment:
18 Exhibit A: Accusation
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